

REMARKS

Claims 1-23 are now pending in the application. Claims 1-22 stand rejected. Claims 1, 12, and 22 have been amended herein, and Claim 23 is new. Support for the amendments and new claim can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

APPLICANT'S INTERVIEW SUMMARY

Applicant thanks the Examiner for speaking with the undersigned on Friday, November 3, 2006. In the interview, proposed amendments to the pending claims were discussed along with the cited art. The Examiner stated that the proposed amendments would require a further search. Therefore, no agreement was reached as to the patentability of the proposed claims.

DRAWINGS

The undersigned gratefully acknowledges the Examiner's acceptance of the drawings filed on June 13, 2006.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-5, 7, 9-10, 12-14, 16, 18-19, and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Richton (U.S. Pat. No. 6,650,902; hereinafter "Richton"). This rejection is respectfully traversed.

Initially, Applicant notes that Richton appears to disclose a user designated location that is user inputted into a mobile unit and stored as a street address or

latitude/longitude. Based on the user-defined location, the location-based service database can send targeted information specific to that user-defined location to the user when the user is within a pre-defined distance to the user-defined location. For example, Richton states that if the user has defined the airport within his mobile unit, then when the user is adjacent to the airport, the user can receive information regarding the airport, such as flight data. Thus, Richton transmits a message to a single user based on the user's proximity to a user-defined location, with the user-defined location identified by a street address or latitude/longitude. In contrast, independent Claim 1 has been amended to recite:

. . . designating a geographic region to transmit the message to **by reference to a man-made or natural structure within the geographic region**;
determining the addresses of the recipients that are located within the geographic region by using the geospatial database to compare the current reported locations of the recipients with the reference to the structure; and
transmitting the message to the addresses of **each of the recipients having current locations within the geographic region** (emphasis added).

Independent Claim 12 has been amended to recite:

. . . the transmitter enables reception of a message and a geographic destination designator that designates a geographic destination for the message, and further enables access to the geospatial database to identify the addresses of the receivers in the geographic destination to **transmit the message to the identified receivers within that geographic destination** based on the reported address for each said identified receiver (emphasis added).

In view of the above discussion, Applicant respectfully asserts that Richton does not teach, suggest or disclose each and every element of Claims 1 and 12. In this regard, Richton does not teach, suggest or disclose designating a geographic region to

transmit the message to by reference to a man-made or natural structure within the geographic region, transmitting the message to the addresses of each of the recipients having current locations within the geographic region or accessing a geospatial database to identify the addresses of the receivers in the geographic destination to transmit the message to the identified receivers **within** that geographic destination based on the reported address for each said identified receiver. Rather, Richton appears to disclose transmitting a message to a single user who has a user-defined location stored on a database. Thus, Richton appears to disclose merely designating a single user-defined location with a particular wireless mobile unit for and associating that particular wireless mobile unit with the user-defined location such that a message is transmitted to the particular wireless mobile unit when that wireless mobile unit is near the user-defined location. Richton does not teach, suggest or disclose designating a **geographic region** for transmitting a message to and then transmitting the message to **all users within that geographic region**.

Accordingly, for at least these reasons, Applicant respectfully asserts that Richton does not teach each and every element of Claims 1 and 12, and as such, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 1 and 12 under 35 U.S.C. § 102(b).

With regard to Claims 2-5, 7, 9, 10, 13, 14, 16, 18, 19 and 21, Applicant notes these claims depend directly or indirectly from either independent Claims 1 or 12, and thus, should be in condition for allowance for the reasons set forth for Claims 1 and 12 above. In addition, Applicant respectfully asserts that Claims 2 and 10 include independently allowable subject matter. Specifically, Richton does not appear to teach,

suggest or disclose accessing a geospatial database, comparing the locations of the recipients and the designated geographic region, or where the message transmitted is a border crossing warning and the geographic region is designated as an area within a predetermined distance from the border. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 2-5, 7, 9, 10, 13, 14, 16, 18, 19 and 21 under 35 U.S.C. § 102(b).

REJECTION UNDER 35 U.S.C. § 103

Claims 6 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Richton in view of Weisshaar et al. (U.S. Pat. No. 6,580,916; hereinafter "Weisshaar"). Claims 8 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Richton in view of Ogasawara et al. (U.S. Pat. No. 6,947,754; hereinafter "Ogasawara"). Claims 11 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Richton in view of Richard (U.S. Pat. No. 6,785,551; hereinafter "Richard"). These rejections are respectfully traversed.

With regard to Claims 6, 8, 11, 15, 17 and 20, Applicant notes these claims depend directly or indirectly from either independent Claims 1 or 12, and thus, should be in condition for allowance for the reasons set forth for Claims 1 and 12 above. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 6, 8, 11, 15, 17 and 20 under 35 U.S.C. § 103(a).

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Richton in view of Ogasawara as applied to claims above and further in view of Weisshaar. This rejection is respectfully traversed.

Applicant respectfully refers the Examiner to the remarks regarding Claims 1-5, 7, 9-10, 12-14, 16, 18-19, and 21 for a discussion of the Richton reference. With regard to Ogasawara, Ogasawara appears to disclose a mobile station 10 that transmits a signal including a location upon receipt of a signal from a base station 21. Ogasawara designates a geographic region based on an area code associated with the base station 21. With regard to Weisshaar, Weisshaar appears to disclose, at best, establishing a link with a user device 108 when the user device 108 is in proximity to a local node 106 or other service provider. Weisshaar does not disclose whatsoever reporting a current location of a receiver. In contrast, independent Claim 22 has been amended to recite:

. . . the transmitter enabling operation at an OSI application level to receive a message and a geographic destination designator that designates a geographic destination for the message, **the geographic destination defined by at least one natural or man-made structure and that enables access to the geospatial database to identify the addresses of the receivers currently reported to be in the geographic destination**, to transmit the message to the identified receivers within the geographic destination based on their reported current address, and that enables transmission of the message as a series of unicast messages to the identified receivers within the geographic destination (emphasis added).

In view of the above discussion, Applicant respectfully asserts neither Richton, Ogasawara, nor Weisshaar either alone or in combination, teach, suggest or disclose each and every element of Claim 22. In this regard, neither Richton, Ogasawara nor Weisshaar teach, suggest or disclose a transmitter that enables access to the

geospatial database to identify the addresses of the receivers currently reported to be in the geographic destination, with the geographic destination defined by to at least one natural or man-made structure, to transmit the message to the identified receivers within the geographic destination based on their reported current address, and that enables the transmission of the message as a series of unicast messages to the identified receivers within the geographic region. Rather, as discussed, Richton appears to disclose designating a single user-defined location by using a particular wireless mobile unit for transmitting the message to and associating that particular wireless mobile unit with the user-defined location such that a message is transmitted to the particular wireless mobile unit when that wireless mobile unit is near the user-defined location.

Ogasawara does not remedy the shortcomings of Richton as Ogasawara also does not disclose whatsoever designating a geographic region by reference to a structure within the geographic region. Rather, Ogasawara discloses that designating an area by reference to an area code. Applicant notes that an “area code” is significantly different from a natural or man-made structure within a geographic region, as claimed herein. Further, Weisshaar does not remedy the shortcomings of either Richton or Ogasawara as Weisshaar does not disclose transmitting a message to users within a geographic region that is defined by at least one natural or man-made structure as claimed.

Accordingly, for at least these reasons, Applicant respectfully asserts that Richton and Ogasawara, either alone or combination, do not teach each and every element of Claim 22, and as such, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claim 22 under 35 U.S.C. § 103(a).

NEW CLAIM

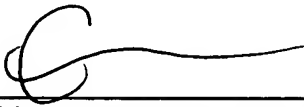
Applicant has added new Claim 23 to further define Applicant's teachings. Support for this new claim can be found in Applicant's specification and drawings as filed and, as such, this new claim does not constitute new matter. With regard to new Claim 23, Applicant submits that none of the cited references teach, suggest or disclose designating a geographic region for receipt of the message by reference to a plurality of structures in the geographic region, determining the recipients that are within the geographic region by comparing the current reported locations of the recipients to the geographic region, and transmitting the message to the addresses of the recipients that are located within the geographic region. Accordingly, Applicant respectfully asserts that new Claim 23 is in condition for allowance for at least these reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 11/8/06

By: 
Mark D. Elchuk, Reg. No. 33,686
Erica K. Schaefer, Reg. No. 55,861

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDE/EKS/chs